

COMMITTEE SUBSTITUTE

FOR

H. B. 2173

(BY DELEGATES MILLER, REYNOLDS AND MORGAN)

[Originating in the Committee on Government Organization.]

(February 19, 2013)

A Bill to amend and reenact §9-5-18 of the Code of West Virginia, 1931, as amended, relating to funeral expenses for indigent persons; restricting payments for funeral services to those provided by a funeral director licensed by the state of West Virginia; and restricting payments for burial services to those provided by a person or business entity authorized by West Virginia law.

Be it enacted by the Legislature of West Virginia:

That §9-5-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-18. Funeral expenses for indigent persons; filing of affidavit to certify indigency; penalties for false swearing; payment by division.

1 (a) The Department of Health and Human Resources shall pay
2 for reasonable funeral service expenses or reasonable burial
3 expenses for indigent persons in an amount not to exceed \$1,250.

4 (b) For purposes of this section, the indigency of a deceased
5 person is determined by the filing of an affidavit with the
6 department, in a form provided by and determined in accordance
7 with the income guidelines as set forth by the department: (1)
8 Signed by the heir or heirs-at-law which states that the estate of
9 the deceased person is pecuniarily unable to pay the costs
10 associated with a funeral or burial; or (2) signed by the county
11 coroner or the county health officer, the attending physician or
12 other person signing the death certificate or the state medical
13 examiner stating that the deceased person has no heirs or that
14 heirs have not been located after a reasonable search and that
15 the deceased person had no estate or the estate is pecuniarily
16 unable to pay the costs associated with a funeral or burial.

17 (c) Payment shall be made by the department to the person or
18 persons who have furnished the services and supplies for the

19 indigent person's funeral or burial expenses or to the persons
20 who have advanced payment for same, as the department may
21 determine, pursuant to appropriations for expenditures made by
22 the Legislature for ~~such~~ that purpose.

23 (d) For purposes of this section, "reasonable funeral service
24 expenses" means expenses for funeral services provided by a
25 West Virginia licensed funeral director, ~~for the disposition of~~
26 ~~human remains~~ and "reasonable burial expenses" means
27 expenses for burial services provided by a person or business
28 entity authorized by West Virginia law to provide burial
29 services.

30 (e) ~~Any~~ A person who knowingly swears falsely in an affidavit
31 required by this section ~~shall be~~ is guilty of a misdemeanor and,
32 upon conviction thereof, shall be fined not more than \$1,000 or
33 confined in ~~the county or regional jail~~ a correctional facility for
34 a period of not more than six months, or both.

